

Personnel - ~~12~~ 12

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File

Chenoweth

3 June 1947

MEMORANDUM FOR THE DEPUTY EXECUTIVE, PERSONNEL AND ADMINISTRATION

SUBJECT: Limited Appointments

1. In furtherance of our verbal discussions, it is believed advisable at this time to review the entire picture of conditional appointments under which this Agency has been operating.

2. We have, in the past, limited appointments by a notation on the Standard Form 50, Notification of Personnel Action, such as - "Subject to Investigation" or "Probational Appointment of One Year". A review of this procedure and discussions with the Legal Counsel and Chief Investigator of the Civil Service Commission have raised serious doubts as to the benefits which such notations might provide this Agency. Briefly, the conclusion reached is that such notations do not provide a legal means by which the Personnel Division can have the authority to terminate the services of an unsatisfactory employee without preferring charges against such individual. As you are well aware, the majority of our cases preclude the possibility of presenting the individual concerned with a bill of particulars, or specific charges, as required by the Civil Service Commission. As a result of this situation, we now have no method by which we can terminate an employee who does not meet our internal administrative requirements.

3. The following course of action is recommended:

(a) Section C, Paragraph 21.11 of Part 21, Federal Personnel Manual, provides - "Any Department or Agencies having positions excepted from the competitive service may submit to the Commission a system for making appointments which will result in granting to veterans the preference provided for in the Veterans Preference Act of 1944, but which does not conform to all of the procedural requirements set forth in the regulations in this part: Provided, that such a system may not be put into effect until it has received the prior approval of the Commission; and (b) Rule 5 of Executive Order 9830 provides that the Civil Service Commission may make appropriate investigations, including qualifications and suitability of applicants, for positions in the competitive service. It may also

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authorize appointments conditioned upon a subsequent determination that the requirements of law or the Civil Service Rules have been met.

4. In view of Section (a) above, it is recommended that you authorize the undersigned and the General Counsel to discuss an appropriate plan with the Civil Service Commissioners to enable the Commission to authorize this Agency using a conditional fanfold appointment. In view of Section (b), no mention is made of who will make the investigation for people receiving appointments outside of the competitive service. It is my recommendation that we request the Civil Service Commission to delegate this responsibility and authority to the Personnel Division, CIG.

5. If these recommendations meet with your approval I will contact the Civil Service Commission immediately, so that we might go ahead with one of the outlined plans.

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[Redacted]
WILLIAM J. KELLY
Acting Chief, Personnel Division

CONCUR:

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[Redacted]
LAWRENCE HOUSTON
General Counsel

Authorized Bill Kelly & Hanmer
to take this matter up with the CSC 4/14/78
[Redacted]